

DEC 10 2010

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

ANNETTE MICHELLE McCARTHY, )  
Petitioner, )  
v. )  
TAMMY BROWN, )  
Respondent. )

Civil Action No. 7:10-cv-00300

ORDER

By: James C. Turk  
Senior United States District Judge

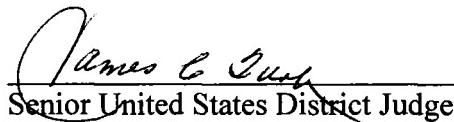
In accordance with the accompanying Memorandum Opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that the Respondent's motion to dismiss (Dkt. No. 12) is **GRANTED**, and the Petitioner's 28 U.S.C. § 2254 motion (Dkt. No. 1) is **DENIED**. Additionally, a Certificate of Appealability is **DENIED**.

The Clerk is directed to strike the case from the active docket of the Court, and send copies of this Final Order and the accompanying Memorandum Opinion to the Petitioner and counsel of record for the Respondent.

ENTER: This 9<sup>th</sup> day of December, 2010

  
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Senior United States District Judge